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Attorneys for Plaintiffs
Auris Health, Inc. and Verb Surgical, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

AURIS HEALTH, INC. AND VERB SURGICAL,
INC.,

Plaintiffs,

v.

KALPITKUMAR GAJERA,

Defendant.

Case No. 4:21-cv-5337-HSG

[Assigned to Hon. Haywood S. Gilliam, Jr.]

**ORDER AND AMENDED JOINT
STIPULATION TO AMEND
SCHEDULING ORDER**

Complaint Filed: July 12, 2021

1 It is hereby stipulated to and agreed by and between Plaintiffs Auris Health, Inc., and Verb
 2 Surgical, Inc. (together, “Plaintiffs”), and Defendant Kalpitkumar Gajera (“Defendant”)
 3 (collectively, the “Parties”):

4 WHEREAS the Court entered a Scheduling Order in this case on February 10, 2022 (ECF
 5 No. 44);

6 WHEREAS, Plaintiffs contend that recently discovered information may necessitate
 7 additional remediation under the Parties’ Stipulated Protocol for Identification and Remediation of
 8 Plaintiffs’ Information from Electronic Devices and Personal Accounts (ECF No. 19) (the
 9 “Stipulated Protocol”);

10 WHEREAS, based on positions stated within his now-withdrawn Motion for Protective
 11 Order Requiring Identification of Trade Secrets with Particularity (ECF No. 45) (the “Motion”),
 12 Defendant only responded substantively to those of Plaintiffs’ April 15, 2022, discovery requests
 13 unrelated to trade secret allegations;

14 WHEREAS, the pendency of Defendant’s now-withdrawn Motion and the meet and confer
 15 on the timing of Defendant’s responses to Plaintiffs’ discovery has unexpectedly delayed fact
 16 discovery, and the Parties agree an extension of deadlines under the Scheduling Order is necessary
 17 and appropriate;

18 WHEREAS, in connection with and as part of the resolution of Defendant’s Motion, the
 19 Parties agreed to amend the Scheduling Order;

20 WHEREAS, the Parties stipulated to the proposed amended schedule submitted to the Court
 21 in their Joint Stipulation to Withdraw Defendant’s Motion for Protective Order and Amend
 22 Scheduling Order (ECF No. 47);

23 WHEREAS, on July 5, 2022, the Parties attended a Case Management Conference before
 24 the Court regarding their proposed amended schedule;

25 WHEREAS, on July 6, 2022, the Court ordered the Parties to meet and confer on a revised
 26 stipulation and proposed amended schedule allowing for adequate time between the dispositive
 27 motion hearing and the pretrial conference (*see* ECF No. 51); and
 28

WHEREAS, the Parties met and conferred on a revised joint proposed amended scheduling order pursuant to the Court's July 6, 2022, order.

NOW THEREFORE, THE PARTIES HEREBY STIPULATE to, and seek an order from the Court, amending the Scheduling Order and resetting certain case deadlines as follows:

Event	Previous Deadline	New Deadline
Defendant's Response to Plaintiffs' Discovery Requests (served April 15, 2022)		July 28, 2022
Amendment of Pleadings/Joinder	July 1, 2022	August 1, 2022
Plaintiffs' Deposition of Defendant		August 26, 2022
Plaintiffs' Depositions of Non-Parties		August 26, 2022
Close of Fact Discovery	August 12, 2022	September 2, 2022
Exchange of Opening Expert Reports	August 19, 2022	September 9, 2022
Exchange of Rebuttal Expert Reports	September 2, 2022	September 23, 2022
Close of Expert Discovery	September 16, 2022	October 7, 2022
Dispositive Motion Hearing Deadline	October 13, 2022, at 2:00 p.m.	No change
Pretrial Conference	January 10, 2023, at 3:00 p.m.	No change
Jury Trial (3 days)	January 23, 2023, at 8:30 a.m.	No change

In light of the foregoing circumstances, the Parties believe good cause exists for this amendment, which will advance the litigation in a productive and meaningful manner and so that justice can be done. The Parties do not request this amendment for the purpose of undue delay.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

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1 DATED: July 12, 2022

BLANK ROME LLP

2 By: /s/ Leigh Ann Buziak

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MOBILITY LEGAL P.C.

10 By: /s/ David R. Burt


11 David R. Burt
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13 *Attorney for Defendant*
14 *Kalpitkumar Gajera*

15 **ECF ATTESTATION.** In accordance with Civil Local Rule 5-1(i)(3), I, Leigh Ann Buziak,
16 attest that on July 12, 2022, I obtained concurrence in the filing of this document from the other
17 signatory listed above.

18 /s/ Leigh Ann Buziak
19 Leigh Ann Buziak

20 **PURSUANT TO STIPULATION IT IS SO ORDERED.**

21
22
23 Dated: 7/13/2022

24 
25 Haywood S. Gilliam, Jr.
26 United States District Judge
27
28